

Initial Remarks

A response with a one month extension was due February 5, 2005, which fell on a Saturday. Therefore, this Request for Continued Examination and Response is properly filed Monday, February 7, 2005, with a one month extension.

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2

Remarks

The Examiner's Office action mailed October 5, 2004, which cancelled pending claims 33-48 and rejected pending claims 1-32 and 49, has been reviewed. Applicants respectfully submit that the application is in condition for allowance.

Applicants requested that the Examiner interpret the claims in light of the specification. The Examiner responded by stating that while the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Applicants completely agree with the Examiner's statement. However, it is not clear to Applicants whether or not the Examiner is alleging Applicants were attempting to import limitations into the claims from the specification. To clarify, Applicants explicitly do not want the Examiner to read limitations from the specification into the claims. However, reading a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite different thing from reading limitations of the specification to narrow the claim. MPEP 2111. The Examiner should interpret the claims in light of the specification.

When examining claims for patentability, claims are interpreted as broadly as reasonably possible but consistent with the specification. *In re Thrift*, 63 USPQ2d 2002, at 2007 (Fed. Cir. 2002). It should be noted that "network element" and "performance element" are discussed thoroughly in Applicants' specification and should be interpreted consistently with the disclosure. Similarly, "sector performance element" and "sector performance characteristic" are discussed in Applicants' specification. Sprecher does not meet the above-referenced limitations. See, for example, page 22, line 15-page 23, line 5; page 24, line 19-page 25, line 12; page 26, line 6-page 27, line 15; page 29, line 1-page 30, line 10; page 41, lines 5-18; page 42, line 5-page 43, line 15; page 65, line 17; page 66, line 10; page 73, line 3-page 76, line 22; Figures 5A-5C, 40, 42, and 45A-45B. The Examiner has not interpreted the limitations explicitly recited in the claims.

The Examiner rejected claims 1 and 49 under the obviousness-type double patenting based on claim 11 of U.S. Patent No. 6,343,290 (the "'290 Patent").

The present application is a continuation-in-part of the '290 Patent. Both the present application and the '290 Patent are commonly owned.

The claims of the present application and the '290 Patent are patentably distinct. The systems of the present application require sector performance elements. In a cell network,

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for example, these systems enable a user to see performance data, at a glance, for each individual sector in a cell site. In the cell systems of the '290 Patent, this was not possible, and either the cell data for the entire cell site as a whole was depicted or only one sector for the cell site could be depicted. Under the present systems, customer support, engineers, and others are able to see each individual sector of the cell site and are better able to determine what issues exist for a network. Similarly, in other systems for other types of networks, multiple sectors enable a user to see different aspects of each sector of a network element. The systems of the '290 Patent and the present application are different. This is an advance over the '290 Patent. The differences are not obvious to one of skill in the art.

Withdrawal of the double patenting rejection respectfully is requested.

The Examiner deemed claims 33-48 withdrawn. Applicants traverse this action. The Examiner has identified a use for the invention of claims 33-48 that is not claimed in any of the claims. The claims say nothing of "distributed" database data or "file" access and retrieval. The Examiner has not met the burden under MPEP 806.05.

The Examiner rejected claims 1-32 and 49 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,285,494, issued to Sprecher et al. ("Sprecher"). The Examiner found that all of the display elements limitations of Applicants claims were found in Sprecher at column 3, line 50 to column 4, line 32 and Figures 4-4C. The Examiner misread the claims. The claims are directed to display elements comprising geographic elements, network elements, and sector performance elements (each with further limitations).

The Examiner found that the network elements limitation of claims 1-32 and 49 was found at column 3, lines 50-56, column 5, line 59, and column 14, lines 25-28 and 32-35. The Examiner found that the sector performance elements were identified by the color codes at the legend in Figure 4B and at column 4, lines 19-22. The Examiner stated that "the sector performance elements (see the color codes at the legend in Figure 4B - column 4, lines 19-22) having sector performance characteristics (e.g. critical, major, minor, ..., normal, etc.) each generated for display proximal to a corresponding network element (see "LEGEND") in Figure 4B, and column 4, lines 13-24). According to the LEGEND Figure 4B exhibits a "Normal" condition view. Figure 4C, exhibits a sector view of that in Figure 4B. See also column 5, lines 54-68, column 6, lines 1-5 & 66-68, column 7, lines 60-66."

Applicants pointed out that Sprecher cannot teach display elements for both network elements and sector performance elements. In response, the Examiner directed the Applicants attention to Figure 4B and further stated that the network elements can be, for example, cell sites/sectors (see col. 5, line 59) (see also column 14, lines 25-28 and 32-35). The sector performance elements can be, for example, the color codes at the LEGEND in Figure 4B (see column 4, lines 19-22). The sector performance elements have sector performance characteristics which can be, for example, CRITICAL, MAJOR, MINOR, ..., NORMAL, inter alia (see LEGEND Figure 4B), each generated for display proximal to a corresponding network element (column 4, line 13-32).

Applicants' claims require display elements comprising geographic elements, network elements, and sector performance elements. Sprecher does not teach display elements comprising geographic elements, network elements, and sector performance elements. Sprecher does not teach the further limitations for each of those display elements as required by Applicants' claims.

At column 5, line 55-column 6, line 5, Sprecher discusses the system map module 132. Sprecher does not teach display elements or the limitations of Applicants' claims.

Column 5, line 59 does not discuss Figure 4B. It discusses the system map module 132 of Figure 2. Column 5, lines 55-60 state: "The system map module 132 is a graphical user interface for providing a detailed United States Geographical Survey (USGS) terrain map of a specific cellular market area. The system map is color coded by elevation and depicts area freeways and cell/sectors located within the user's specified cellular phone market."

Here, Sprecher discloses that the system map is color coded by elevation and can depict freeways and cell/sectors within a market. Sprecher does not teach a display element comprising a geographic element, a network element, or a sector performance element. Sprecher is merely stating you can show a map of an area. Sprecher does not even teach a display or identify a figure with a display at this cite. There is no teaching here of a display element for a geographic element, a network element, or a sector performance element. The Examiner has misinterpreted and misapplied the teachings of Sprecher.

Column 6, lines 66-68 states "FIG. 8 is an exemplary but not exclusive depiction of a cell INFO window in accordance with the principals of the present invention." It discusses a cell INFO window. The citation states nothing of the display elements in Applicants' claims.

Column 7, lines 60-66 states "The network equipment utilization option at step 218 generates reports base on network equipment utilization parameters. At step 220, additional user input prior to processing is applied including the previous number of days to be sourced for data to generate the report. At step 222, network utilization in accordance with the user selected criteria is displayed." It discusses various reports. The citation states nothing of the display elements in Applicants' claims.

At column 14, lines 25-25, Sprecher does not discuss Figure 4B or any other Figure. At this location, Sprecher includes claims 3-5, which state the following: "3. A system as recited in claim 1 wherein the telephone network elements comprise telephone switches, cellular sites, microwave equipment, environmental alarm systems and digital cross-connect systems. 4. A system as recited in claim 1 wherein the workstations operate in a multi-tasking window based environment. 5. A cellular telephone network support system for managing and integrating data from telephone switches, cellular phone sites and other related elements, the system comprising." The telephone network elements of claim 1 are not display elements. They are physical equipment. Similarly, the "telephone network elements" of claim 3 and the "telephone switches, cellular phone sites and other related elements" are physical equipment not display elements.

There is no teaching here of a display element for a geographic element, a network element, or a sectorized performance element. There is no teaching of any display or display element at this cite. The Examiner has further misinterpreted and misapplied the teachings of Sprecher.

At column 4, lines 13-32, Sprecher states: "Reference is now made to FIG. 4 which depicts in the preferred embodiment form, a tripartite screen illustrating the output of the tactical surveillance module 126. An overview graphical monitor 156 is depicted in the bottom left-hand corner of the screen (FIG. 4B) while a detailed graphical monitor 158 (FIG. 4C) is depicted in the bottom right-hand corner of the screen. A legend 157, here depicted in the left-hand bottom of the screen (FIG. 4B), color codes the graphical monitors 156 and 158. The colors indicate the criticality of an alarm condition ranging from a normal condition to a critical alarm. A textual error log 160 (FIG. 4A) is depicted along the top of the screen. The textual error log 160 includes but is not limited to such information as the name of the alarm site, the description of the alarm, the time and the day of the occurrence of the alarm, the time and the day that the

alarm was cleared, and the operator who resolved the alarm condition. It is to be understood that the screen depicted in FIG. 4 is illustrative and not exhaustive.”

This citation of Sprecher does not teach any display elements. This citation does not teach display elements comprising geographic elements, network elements, and sector performance elements. The Examiner has not even alleged that all of the display elements are shown in the above citation and Figures 4-4C. Applicants have shown that no other display elements are identified in the other portions cited by the Examiner.

It should again be noted that claim 1 requires display elements comprising . . . “network elements having network characteristics and generated for display in relation to the geographic elements.” Thus, the network element is a display element, and the network characteristic is a display characteristic for the network element. This is apparent from the claim language itself. The Examiner’s reliance on physical equipment that exists in a network and that is not displayed and cell site outages and traffic patterns for the actual physical equipment (but which are not depicted by anything displayed) is misplaced. Similarly, claim 1 requires display elements comprising . . . “sector performance elements having sector performance characteristics, each generated for display proximal to a corresponding network element.” These also are display elements having display characteristics.

Applicants traverse the Examiner’s statement that Figure 4B shows network elements having network characteristics and generated for display in relation to the geographic elements and sector performance elements having sector performance characteristics, each generated for display proximal to a corresponding network element. Figure 4B does not show network elements having network characteristics. Figure 4B does not show sector performance elements having sector performance characteristics. Figure 4B does not show that each of the sector performance elements is generated for display proximal to a corresponding network element.

Figure 4B does depict a legend. The legend includes markings for critical, major, minor, warning, info, and normal. But, there is nothing in Figure 4B or any other Figure or any description or teaching in Sprecher whatsoever that identifies any corresponding display elements. No portion of Figure 4B is shaded. However, even if some portion of Figure 4B was shaded, it still would not meet the claim limitations for each sector performance characteristic to be generated for display proximal to a corresponding network element. Sprecher does not

state what is depicted by the three boxes labeled LA3, LA4, and LA5. Sprecher does not state that the three boxes represent any characteristic for any network element or even any area. The patterns in the three boxes do not match anything in the legend. The three boxes are not displayed as a performance element, much less a sectorized performance element. They are not displayed proximal to a corresponding network element. Nothing in the text fills these holes. Plainly, neither the Examiner nor anyone else can supply these missing teachings.

The Examiner cannot claim that the color codes identified in the legend are themselves network elements or sectorized performance element. The color codes are in a legend. A legend cannot meet the claimed limitations. They do not correspond to any network element or anything else displayed on Figure 4B.

The Examiner cannot in good faith state that any network elements are displayed at all in Figure 4B, much less with network characteristics. Certainly, the Examiner cannot in good faith state that any sectorized performance element is taught by Sprecher or is displayed proximal to a corresponding network elements.

Therefore, Sprecher cannot possibly teach or disclose both or either of the limitations of Applicants' claim 1 for the network elements and the sectorized performance elements. For these reasons, Applicants request the withdrawal of the rejection of claim 1.

Further, claim 1 requires *network elements having network characteristics and generated for display in relation to the geographic elements*. Sprecher does not disclose or teach this limitation. Sprecher does not teach or disclose network characteristics generated for network elements. Sprecher does not teach or disclose display elements comprising network elements.

Further, claim 1 requires *sectorized performance elements having sectorized performance characteristics, each generated for display proximal to a corresponding network element*. The sectorized performance elements are in addition to the network elements. Sprecher does not disclose or teach this limitation. Sprecher does not disclose or teach performance elements. Sprecher does not disclose or teach sectorized performance elements. Nor does Sprecher disclose or teach performance characteristics (or sectorized performance characteristics) generated for display proximal to a corresponding network element. Nothing in Sprecher indicates performance for different sectors of the network elements.

At column 3, lines 50-56, Sprecher does not state that anything is displayed with the "network elements" to depict the cell cite outages and traffic patterns. Sprecher states that

the tactical surveillance module enables the user to evaluate alarm data from the network elements affected by a natural or man made disaster such as cell site outages. Enabling a user to evaluate the alarm data from the network elements does not equate to generating a network characteristic for the network element. A spreadsheet document would enable a user to evaluate alarm data. But, that is not the same as generating a network characteristic for a network element for display.

Further, none of Figures 4-4C show a network element with a network characteristic generated for display. Figure 4B shows empty circles. The empty circles are not color-filled or shaded and do not have any other characteristic. Figure 4C shows empty circles and empty diamonds. The empty circles and empty diamonds are not color-filled or shaded and do not have any other characteristic. Figures 4-4A don't show any circles or diamonds or any other items.

The figures and the description do not state clearly what is represented by the circles and diamonds. The circles have city names, such as Los Angeles and Pasadena. The diamonds also have city names, such as Westwood Village and Beverly Hills. Other names designate Hancock Park, CBS, etc. It is not clear that the circles and diamonds represent cell sites or cities, parks, or other locations.

The legend on Figure 4B does not show a network element or a sector performance element. The legend on Figure 4B does not show a network characteristic for a network element, and it does not show a sector performance characteristic for a performance element. None of Figures 4-4C show these limitations.

The legend on Figure 4B has square boxes, each with a different shading. A label is next to each box, including critical, major, minor, warning, info, and normal.

Next to the legend are three boxes labeled LA3, LA4, and LA5. Neither the Figures 4-4C nor the associated text states what is meant by LA3, LA4, or LA5. Nothing in the Figures or the text corresponds to LA3, LA4, or LA5.

Each of these three boxes has a different shading, and none correspond directly with any boxes in the legend. The three boxes are to the right of the bottom portion of the legend, and both are well below and to the left of the geographic map area. Neither the legend nor the three boxes have a pointer or other director to any of the circles of Figure 4B (or anything on Figure 4C). No areas of the geographic map of Figure 4B are shaded. None of the circles in

Figure 4B are shaded inside, outside, or near the circle. There is no shading, color, or other characteristic anywhere on the Figures other than the legend and the boxes labeled LA3, LA4, and LA5.

At column 4, lines 19-24, Sprecher states that a "legend 157, here depicted in the left-hand bottom of the screen (FIG. 4B), color codes the graphical monitors 156 and 158." Applicants' claims do not require color coding the graphical monitor. Applicants' claims require network characteristics for network elements and sectored performance characteristics for sectored performance elements. Applicants' system of claim 1 shows multiple individual sectors, multiple individual performance elements (at least one for each sector), multiple individual network elements, and multiple individual network characteristics (at least one for each network element). This simply is not disclosed or taught in the text or the figures of Sprecher. The Examiner did not address any of these issues in the Examiner's remarks.

It should be noted that Figure 8 and Figure 13 also do not show the above limitations. These figures and their associated text make no reference to any characteristics whatsoever, or any alarms, performance, or network events.

Sprecher does not disclose or teach the system of Applicants' claim 1. Therefore, Applicants submit that claim 1 is allowable. Withdrawal of the rejection respectfully is requested.

Because claims 2-4 depend from claim 1 and include all of the limitations of the base claim, which is believed to be patentable, claims 2-4 also is believed to be allowable. Withdrawal of the rejection of claim 2-4 respectfully is requested.

The Examiner rejected independent claims 5, 19, and 49 for the same reasons stated in the rejection of claim 1. Therefore, these claims are believed patentable for the same reasons stated above. Withdrawal of the rejections of claims 5, 19, and 49 respectfully is requested.

The claims depending from claims 5 and 19 include all of the limitations of the base claims, which are believed to be patentable. Therefore, the claims depending from claims 5 and 19 also are believed to be allowable. Withdrawal of the rejection of claim 6-18 and 20-32 respectfully is requested.

Because the independent claims are believed patentable, it is not necessary to discuss all patentable limitations of claims depending there from. However, the lack of a

discussion of patentable limitations of the dependent claim should not be construed to mean that there are not patentable limitations in the dependent claim.

If the Examiner continues to believe that any portion or portions of the claims can be rejected over Sprecher, Applicants specifically request that the Examiner respond to all arguments made in the Remarks section of this Response above, including a response for each claim with a detailed identification of which specific section of the cited Sprecher selections is used to reject the claim limitation and a detailed explanation of how that section anticipates the claim limitation. Such a detailed explanation is needed by Applicants so that Applicants can adequately respond to a continued rejection. Applicants thank the Examiner in advance for cooperation in this respect.

The references cited by the Examiner and made of record have been reviewed by Applicants. Applicants have no further remarks with regard to the cited references.

Based on the foregoing, it is submitted that the Applicants' invention as defined by the claims is patentable over the references of record. Issuance of a Notice of Allowance is solicited.

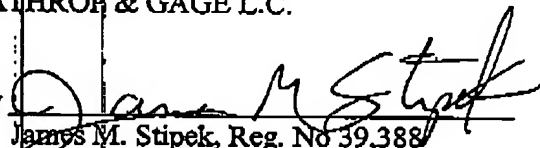
Applicants' attorney welcomes the opportunity to discuss the case with the Examiner in the event that there are any questions or comments regarding the response or the application.

This is intended to be a complete response to the Examiner's Office action mailed on October 5, 2004, Applicants make the following remarks.

Respectfully Submitted,

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